



## San Luis Obispo COASTKEEPER®

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June 15, 2015

### VIA CERTIFIED MAIL

Rick Haydon, City Manager  
City of Santa Maria  
110 E. Cook Street  
Santa Maria, California 93454

Shad S. Springer, Director, Utilities Department  
City of Santa Maria  
2065 E. Main Street  
Santa Maria, California 93454

**Re: Notice of Violation and Intent to File Suit Under the Clean Water Act**

To Whom It May Concern:

I am writing on behalf of San Luis Obispo Coastkeeper, a project of Environment in the Public Interest (collectively "Coastkeeper") in regard to violations of the Clean Water Act ("CWA")<sup>1</sup> and California's Storm Water Permit<sup>2</sup> occurring at the Santa Maria Sanitary Landfill facility, located at 2065 E. Main Street in Santa Maria, California (hereinafter "Santa Maria Landfill" or "Facility"). The purpose of this letter ("Notice Letter"), issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act, is to put the City of Santa Maria (referred to hereinafter as "Santa Maria Landfill Owner and/or Operator" or the "City") on notice of the violations of the Storm Water Permit occurring at the Santa Maria Landfill, including, but not limited to, violations caused by discharges of polluted storm water from the Facility into the Santa Maria River, the Santa Maria Estuary, and the Pacific Ocean (hereinafter "Receiving Waters"). Violations of the Storm Water Permit are violations of the Clean Water Act. As explained below, the Santa Maria Landfill Owner and/or Operator is liable for violations of the Storm Water Permit and the Clean Water Act.

Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C.

<sup>1</sup> Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*

<sup>2</sup> National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ. The Storm Water Permit was reissued by Order 2014-0057-DWQ and will take effect on July 1, 2015 (hereinafter referred to as "Reissued Permit"). The terms of the Reissued Permit are as or more stringent than the 1997 Storm Water Permit.



Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), a citizen must give notice of his/her intention to file suit. If the alleged violator is a state or local agency, notice must be given to the head of the entity responsible for the violations, the Administrator of the United States Environmental Protection Agency (“EPA”), the Regional Administrator of the EPA, the chief administrative officer of the water pollution control agency in the State in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation.<sup>3</sup> This Notice Letter is being sent to you as the responsible owner and operator of the Facility. By this Notice Letter, Coastkeeper puts the Santa Maria Landfill Owner and Operator on notice that, after the expiration of sixty (60) days from the date of this Notice Letter, Coastkeeper intends to file an enforcement action in federal court against it for violations of the Storm Water Permit and the Clean Water Act.

## **I. Background.**

### **A. San Luis Obispo Coastkeeper.**

Coastkeeper is a non-profit 501(c)(3) public benefit corporation organized under the laws of California with its main office at 1013 Monterey Street, Suite 202 in San Luis Obispo, California. Coastkeeper’s members live and/or recreate in and around the waters in San Luis Obispo and Northern Santa Barbara County, including the Receiving Waters. Coastkeeper is the only environmental watchdog dedicated solely to enforcement of water quality, watershed protection, and coastal planning regulations in San Luis Obispo, and northern Santa Barbara counties. To further its mission, Coastkeeper actively seeks federal and state implementation of the environmental laws.

As explained herein, the Santa Maria Landfill Owner and Operator has continuously discharged pollutants into the Receiving Waters in violation of the Clean Water Act and the Storm Water Permit. Coastkeeper members use the water to fish, kayak, boat, wade and swim in as well as hike and bike along the water’s banks. Additionally, Coastkeeper members use the water to view wildlife, and engage in scientific study through pollution and habitat monitoring and restoration activities. Thus, the interests of Coastkeeper’s members have been, are being, and will continue to be adversely affected by the Santa Maria Landfill Owner’s and Operator’s failure to comply with the Clean Water Act and the Storm Water Permit.

### **B. The Owner and Operator of the Landfill.**

The City is a municipality incorporated under the laws of the State of California. Information available to Coastkeeper indicates that the City is the owner and operator of the Santa Maria Landfill. The Department of Utilities is a department of the City, and is responsible for storm water management within the City. A discharger of industrial storm water such as the City is required to apply for coverage under the Storm Water Permit by submitting a Notice of

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<sup>3</sup> 40 C.F.R. § 135.2(a)(1).

Intent (“NOI”) to obtain Storm Water Permit coverage to the State Water Resources Control Board (“State Board”).<sup>4</sup> Information available to Coastkeeper indicates that the City has been covered under the Storm Water Permit since at least June 15, 2010.

As explained herein, the City is liable for violations of the Storm Water Permit and the Clean Water Act occurring at the Santa Maria Landfill.

**C. Storm Water Pollution.**

With every significant rainfall event millions of gallons of polluted storm water originating from industrial operations such as the Santa Maria Landfill pour into storm drains and the local waterways. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. Such discharges of pollutants from industrial facilities contribute to the impairment of downstream waters and aquatic dependent wildlife. These contaminated discharges can and must be controlled for the ecosystem to regain its health.

Polluted discharges from facilities such as the Santa Maria Landfill contain pollutants such as: Oil & Grease, pH-affecting substances, solvent, salts, bacteria, hydraulic fluid, anti-freeze, battery acid, cutting oils, lubricants, cleaning agents, phenols, herbicides and pesticides, plastic pellets, total suspended solids, iron, lead, aluminum, asbestos, copper, zinc, chemical oxygen demand, magnesium, ammonia, arsenic, cadmium, cyanide, mercury, selenium, silver, fuel and fuel additives, coolant, aromatic hydrocarbons, chlorinated hydrocarbons, inorganic nitrogen, and/or fugitive and other dust, dirt, and debris. Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, developmental, or reproductive harm. Discharges of polluted storm water to the Receiving Waters via the storm drain system pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

The Receiving Waters are ecologically sensitive areas. Although pollution and habitat destruction have drastically diminished once-abundant and varied fisheries, the Receiving Waters are still essential habitat for dozens of fish and bird species as well as macro-invertebrate and invertebrate species. For example, the Santa Maria River supports the endangered Southern California Steelhead, and Arroyo Chub, among other species. Storm water contaminated with sediment, heavy metals and other pollutants harm the special aesthetic and recreational significance that the Receiving Waters have for people in the surrounding communities. The public’s use of the Receiving Waters for water contact recreation exposes many people to toxic metals and other contaminants in storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

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<sup>4</sup> Finding 3, Storm Water Permit.

**D. Santa Maria Landfill Site Description.**

The Santa Maria Landfill is a waste transfer station that accepts non-hazardous waste for storage, processing and disposal on-site, and hazardous waste for storage, transportation, and disposal off-site. Information available to Coastkeeper indicates that the Santa Maria Landfill has been in operation for approximately 50 years, and that the Facility is 269 acres in size. The Facility NOI states the Santa Maria Landfill Waste Discharge Identification ("WDID") number is "3 421005749" and the Standard Industrial Classification ("SIC") code of regulated activities is 4953: hazardous waste storage and/or disposal.

Information available to Coastkeeper indicates the Santa Maria Landfill receives municipal solid waste from commercial, industrial and residential sources and recovers recyclable material. Based on information available to Coastkeeper, the following industrial activities are conducted and co-located at the Santa Maria Landfill: receipt of mixed municipal waste from refuse collection trucks and construction and demolition waste materials; dumping and temporary storage of waste materials; processing of waste through manual and mechanical steps to remove recyclables; and truck and other vehicle maintenance and storage.

Information available to Coastkeeper indicates that waste materials collected at the Santa Maria Landfill are stored outdoors without adequate cover or containment. Industrial operations at the Santa Maria Landfill are also conducted outdoors without adequate cover to prevent storm water exposure to pollutant sources, and without secondary containment or other measures to prevent polluted storm water discharges from the Facility. Moreover, the City conducts vehicle and equipment maintenance and cleaning outdoors; fueling outdoors without cover or secondary containment; hazardous waste storage without secondary containment, rusted spare parts and components storage outdoors without cover or containment; waste storage and processing outdoors without cover or containment. Finally the City operates the Facility with inadequate sediment and tracking controls resulting in sediment being tracked and discharged off-site.

**E. Santa Maria Landfill Pollutants and Discharge Points at the Facility.**

In Annual Reports submitted to the Regional Board, the Santa Maria Landfill Owner and/or Operator identifies four (4) storm water discharge points at the Facility. According to a correspondence from the City to Regional Board staff the four (4) discharge points the City samples from are identified as SW 1, which is approximately 400 feet east of Suey Canyon Road (the old burn dump/landfill section, along the levee); SW 2, which is approximately about 6,000 feet east of Suey Canyon Road (at the levee, along the Old Scalehouse/active area); SW 3, which is approximately 6,030 feet east of Suey Canyon Road (along the levee, includes Closed Landfill); and SW 4 at the Household Hazardous Waste Collection Facility (HHWCF). *See also* Facility Site Map, attached hereto as Exhibit C. Information available to Coastkeeper indicates there is a discharge point at the Non Hazardous Impacted Soil (NHIS) area where ponded water discharges.



The pollutants associated with operations at the Santa Maria Landfill include, but are not limited to: Oil & Grease, pH-affecting substances, solvent, salts, bacteria, hydraulic fluid, anti-freeze, battery acid, cutting oils, lubricants, cleaning agents, phenols, herbicides and pesticides, plastic pellets, total suspended solids, iron, lead, aluminum, asbestos, copper, zinc, chemical oxygen demand, magnesium, ammonia, arsenic, cadmium, cyanide, mercury, selenium, silver, fuel and fuel additives, coolant, aromatic hydrocarbons, chlorinated hydrocarbons, inorganic nitrogen, and/or fugitive and other dust, dirt, and debris. Information available to Coastkeeper indicates that the City has failed and continues to fail to develop and/or implement best management practices (“BMPs”) at the Facility that achieve compliance with the Storm water Permit. The Santa Maria Landfill Owner’s and/or Operator’s failure to develop and/or implement the required BMPs at the Facility results in the exposure of pollutants associated with industrial activities to precipitation. The polluted storm water is then discharged from the Santa Maria Landfill into Receiving Waters in violation of the Storm Water Permit.

Polluted discharges from the Facility into area storm drains cause and/or contribute to the impairment of water quality in the Receiving Waters. The Central Coast Regional Water Quality Control Board’s (“Regional Board”) Water Quality Control Plan for the Central Coast Basin (“Basin Plan”) lists the Beneficial Uses for the Santa Maria River include: water contact recreation (REC 1), non-contact water recreation (REC 2), municipal and domestic supply (MUN), warm freshwater habitat (WARM), wildlife habitat (WILD), Agricultural Supply (AGR), Industrial Service Supply (IND), Ground Water Recharge (GWR), Cold Fresh Water Habitat (COLD), Migration of Aquatic Organisms (MIGR), Rare, Threatened or Endangered Species (RARE), Freshwater Replenishment (FRESH), and Commercial and Sport Fishing (COMM). *See* Basin Plan, Table 2-1. The Beneficial Uses for the Santa Maria River Estuary include: water contact recreation (REC 1), non-contact water recreation (REC 2), warm freshwater habitat (WARM), wildlife habitat (WILD), Ground Water Recharge (GWR), Migration of Aquatic Organisms (MIGR), Spawning, Reproduction, and/or Early Development (SPWN), Preservation of Biological Habitats of Special Significance (BIOL), Estuarine Habitat (EST), Rare, Threatened or Endangered Species (RARE), Commercial and Sport Fishing (COMM), and Shellfish Harvesting (SHELL). *Id.*

The State of California has listed the Santa Maria River and the Estuary as impaired and unable to support beneficial uses pursuant to section 303(d) of the Clean Water Act.<sup>5</sup> Specifically, California has listed the Santa Maria River as impaired for the following pollutants: Chloride, Escherichia coli (E. coli), Fecal Coliform, Nitrate, Sediment Toxicity, Sodium, Turbidity, and Unknown Toxicity. The Santa Maria Estuary is listed as impaired for: Escherichia coli (E. coli), Fecal Coliform, and Total Coliform. Discharges from the Santa Maria Landfill contain bacteria, salts, suspended solids, nutrients, and toxics, and therefore contribute to the ongoing degradation of these already impaired surface waters and of the ecosystems that depend on them.

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<sup>5</sup> 2010 Integrated Report – All Assessed Waters, available at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml) (last accessed on April 8, 2014).

## II. Violations of the Clean Water Act and the Storm Water Permit

### A. Discharges of Polluted Storm Water from the Santa Maria Landfill in Violation of Effluent Limitation B(3) of the Storm Water Permit

As explained herein, the Santa Maria Landfill Owner and/or Operator has violated and continues to violate the Storm Water Permit's Effluent Limitation (B)(3); the identical requirement is set forth at Effluent Limitation III.A in the Reissued Permit. Effluent Limitation (B)(3) and III.A requires dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve best available technology economically achievable ("BAT") for toxic pollutants<sup>6</sup> and best conventional pollutant control technology ("BCT") for conventional pollutants.<sup>7</sup> Storm Water Permit, Effluent Limitation (B)(3); Reissued Permit, Effluent Limitation III.A. Information available to Coastkeeper demonstrates that the Santa Maria Landfill Owner and/or Operator has failed and continues to fail to develop and/or implement BMPs at the Facility that achieve compliance with the BAT/BCT standards.

Consistent with the Santa Maria Landfill's lack of BMPs, the analytical results of storm water sampling at the Facility demonstrate that the Santa Maria Landfill Owner and/or Operator has failed and continues to fail to implement BAT/BCT. Specifically, Facility discharges have been consistently exceeding the EPA Benchmarks<sup>8</sup> for numerous pollutants for over the past five (5) years. The table in Exhibit B sets forth the results of sampling at the Facility conducted by the Santa Maria Landfill Owner and/or Operator, results of which are compared to the EPA Benchmarks. The EPA Benchmarks are relevant and objective standards for evaluating whether a permittee's BMPs achieve compliance with BAT/BCT standards as required by Effluent Limitation B(3) of the Storm Water Permit, and III.A of the Reissued Permit. The repeated and significant exceedances of EPA Benchmarks as set forth in Table B further demonstrates that the Santa Maria Landfill Owner and/or Operator has failed and continues to fail to develop and/or implement BMPs at the Facility as required to achieve compliance with the BAT/BCT standards.

As explained herein, Coastkeeper puts the Santa Maria Landfill Owner and Operator on notice that Effluent Limitation B(3) of the Storm Water Permit, III.A of the Reissued Permit, is violated every day the Facility discharges storm water without BMPs that achieve BAT/BCT. See Exhibit A (setting forth dates of significant rain events).<sup>9</sup> These discharge violations are ongoing and will continue every day the Santa Maria Landfill Owner and Operator discharges without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. Storm Water Permit, Effluent Limitation (B)(3); Reissued Permit, Effluent Limitation III.A. Coastkeeper will include additional violations as information and data become available.

<sup>6</sup> Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

<sup>7</sup> Conventional pollutants are listed at 40 C.F.R. § 401.16 and include BOD, TSS, O&G, pH, and fecal coliform.

<sup>8</sup> See *United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) Authorization to Discharge Under the National Pollutant Discharge Elimination System*, as modified effective February 26, 2009 ("Multi-Sector Permit"), Fact Sheet at 106; see also, 65 Federal Register 64839 (2000).

<sup>9</sup> A significant rain event is one that produces storm water runoff, which according to EPA occurs with 0.1 inches or more of precipitation. See EPA, NPDES Storm Water Sampling Guidance Document, July 1992.

Each day the Santa Maria Landfill Owner and/or Operator discharges in violation of Effluent Limitation B(3) of the Storm Water Permit, III.A of the Reissued Permit, is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The Santa Maria Landfill Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since June 15, 2010.

**B. Discharges of Polluted Storm Water from the Santa Maria Landfill in Violation of Receiving Water Limitations C(1) and C(2) of the Storm Water Permit**

As explained herein, the Santa Maria Landfill Owner and/or Operator has violated and continues to violate Receiving Water Limitation C(1) of the Storm Water Permit; the identical requirement is set forth at VI.A of the Reissued Permit. Receiving Water Limitation C(1) and VI.A prohibit storm water discharges and authorized non-storm water discharges to surface water that adversely impact human health or the environment. Storm Water Permit, Receiving Water Limitation C(1); Reissued Permit, Receiving Water Limitation III.A. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact human health or the environment constitute violations of Receiving Water Limitation C(1) of the Storm Water Permit, provision VI.A of the Reissued Permit, and the Clean Water Act.

As explained herein, the Santa Maria Landfill Owner and/or Operator has violated and continues to violate Receiving Water Limitation C(2) of the Storm Water Permit; the identical requirement is set forth at VI.B of the Reissued Permit. Receiving Water Limitation C(2) and VI.B prohibit storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable Water Quality Standard ("WQS").<sup>10</sup> Storm Water Permit, Receiving Water Limitation C(2); Reissued Permit, Receiving Water Limitation III.B. Discharges that contain pollutants in excess of an applicable WQS violate Receiving Water Limitation C(2) of the Storm Water Permit, provision VI.B of the Reissued Permit, and the Clean Water Act.

As explained herein, the Receiving Waters are impaired, and thus unable to support designated beneficial uses, for the same pollutants that the City is discharging from the Santa Maria Landfill, including but not limited to turbidity, E. coli, Total Coliform, Fecal Coliform and Nitrates. *See* Exhibit B (table setting forth the results of sampling at the Facility conducted by the Santa Maria Landfill Owner and/or Operator). Coastkeeper puts the Santa Maria Landfill Owner and/or Operator on notice that Receiving Water Limitation C(1) and/or Receiving Water Limitation C(2) of the Storm Water Permit, provisions VI.A and B of the Reissued Permit, are violated each time polluted storm water discharges from the Facility. *See, e.g.,* Exhibit A (setting forth dates of significant rain events). Information available to Coastkeeper indicates that these violations are ongoing and occur every time the Santa Maria Landfill Owner and/or Operator

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<sup>10</sup> WQSs include pollutant concentration levels determined by the State Board and the EPA to be protective of the Beneficial Uses of the receiving waters. Discharges above WQSs contribute to the impairment of the receiving waters' Beneficial Uses. Applicable WQSs include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR"). The Basin Plan also sets out additional applicable WQSs.



discharges storm water from the Facility. Coastkeeper will update the dates of violation when additional information and data becomes available.

Each time discharges of storm water from the Santa Maria Landfill adversely impact human health or the environment is a separate and distinct violation of Receiving Water Limitation C(1) of the Storm Water Permit, provision VI.A of the Reissued Permit, and the Clean Water Act. Each time discharges of storm water from the Facility cause or contribute to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(2) of the Storm Water Permit, provision VI.B of the Reissued Permit, and the Clean Water Act. The Santa Maria Landfill Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since June 15, 2010.

**C. Failure to Develop, Implement and/or Revise an Adequate Storm Water Pollution Prevention Plan**

Section A(1) and Provision E(2) of the Storm Water Permit requires dischargers to have developed and implemented a SWPPP by October 1, 1992, or prior to beginning industrial activities, that meets all of the requirements of the Storm Water Permit. The objective of the SWPPP requirement is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges from the Santa Maria Landfill, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. Storm Water Permit, Section A(2). To ensure compliance with the Storm Water Permit, the SWPPP must be evaluated on an annual basis pursuant to the requirements of Section A(9). The SWPPP must also be revised as necessary to ensure compliance with the Storm Water Permit. *Id.*, Sections A(9) and A(10).

Sections A(3) – A(10) of the Storm Water Permit set forth the requirements for a SWPPP. Among other things, the SWPPP must include: a site map showing the facility boundaries, storm water drainage areas with flow patterns, nearby water bodies, the location of the storm water collection, conveyance and discharge system(s), structural control measures, areas of actual and potential pollutant contact, and areas of industrial activity (*see* Section A(4)); a list of significant materials handled and stored at the site (*see* Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities; a description of significant spills and leaks, a list of all non-storm water discharges and their sources; and a description of locations where soil erosion may occur (*see* Section A(6)). Sections A(7) and A(8) require an assessment of potential pollutant sources at the facility and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective.

Information available to Coastkeeper indicates that the Santa Maria Landfill Owner and/or Operator has been conducting and continue to conduct operations at the Facility with an inadequately developed, implemented, and/or revised SWPPP. For example, the Santa Maria Landfill Owner and/or Operator has failed and continues to fail to develop and/or implement a SWPPP that contains adequate BMPs to prevent the exposure of pollutant sources to storm water



and adequate BMPs to prevent the subsequent discharge of polluted storm water from the Facility. Further the Santa Maria Landfill Owner and/or Operator has failed and continues to fail to revise or evaluate the SWPPP as necessary to develop and implement adequate BMPs. For example, polluted storm water discharges evidence that the Santa Maria Landfill Owner and/or Operator has inadequately developed and/or implemented BMPs at the Facility. Visual observations of BMPs, and those conducted during rain events, also should have put the City on notice that existing BMPs established under the current SWPPP have failed to prevent storm water exposure to pollutants and subsequent polluted storm water discharges.

Coastkeeper puts the Santa Maria Landfill Owner and/or Operator on notice that it violates Provision E.2, Section A, and Sections C(9) and (10) of the Storm Water Permit every day it operates with an inadequately developed, implemented, and/or revised SWPPP. Every day the Santa Maria Landfill Owner and/or Operator operates the Facility with an inadequately developed, implemented, and/or revised SWPPP is a separate and distinct violation of the Storm Water Permit. The Santa Maria Landfill Owner and/or Operator has been in daily and continuous violation of the Storm Water Permit's SWPPP requirements since at least June 15, 2010. These violations are ongoing, and Coastkeeper will include additional violations when additional information and data become available. The Santa Maria Landfill Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since August 4, 2009.

**D. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program**

Section B(1) and Provision E(3) of the Storm Water Permit require facility operators to develop and implement an adequate Monitoring and Reporting Program ("M&RP") by October 1, 1992, or when industrial activities begin at a facility, that meets all of the requirements of the Storm Water Permit. The primary objective of the M&RP is to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the Storm Water Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* Storm Water Permit, Section B(2). An adequate M&RP therefore ensures that BMPs are effectively reducing and/or eliminating pollutants at the facility, and is evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *See id.*

Coastkeeper's observations of the conditions at the Santa Maria Landfill and review of the Annual Reports submitted by the Santa Maria Landfill Owner and/or Operator to the Regional Board demonstrate that the Santa Maria Landfill Owner and/or Operator has not developed, implemented and/or revised an M&RP that meets the requirements of the Storm Water Permit. Specific failures of the Santa Maria Landfill Owner's and/or Operator's M&RP are described below.

### **1. Failure to Analyze Storm Water Samples for All Pollutants Required by the Permit**

Section B(5)(c) of the Storm Water Permit requires all permittees to analyze their storm water samples for TSS; pH; specific conductance; and total organic carbon ("TOC") or Oil & Grease. The Storm Water Permit requires facilities conducting industrial activities associated with SIC code 4953 (Hazardous Waste Treatment Storage or Disposal) to analyze storm water samples for iron, ammonia, magnesium, chemical oxygen demand, arsenic, cadmium, cyanide, lead, mercury, selenium, silver, and iron. *See id*; *see also* Storm Water Permit, Table D, Sectors K and L. In addition, all permittees must analyze samples for toxic chemicals and other pollutants that are likely to be in discharges in significant quantities, which for the Santa Maria Landfill includes pollutants such as aluminum, copper, and zinc. *See* Permit, Section B(5)(c)(ii).

The Santa Maria Owner and/or Operator did not analyze storm water samples for any of the Table D parameters other than iron, and failed to analyze for iron during the 2012-2013 Wet Season.<sup>11</sup> In addition, the Santa Maria Owner and/or Operator analyzed samples for Nitrate, a parameter likely to be found in its discharge, and the discharges contained elevated levels of this pollutant. However, the Santa Maria Owner and/or Operator has not analyzed samples for Nitrate since the 2011-2012 Wet Season, and has failed to analyze samples for other required parameters.

Coastkeeper puts the Santa Maria Owner and/or Operator on notice that it violates Section B(5) of the Storm Water Permit every day it operates without developing, implementing, and/or revising an M&RP that provides for sampling and analysis of all required analytical parameters. These violations are ongoing and will continue every day the Santa Maria Owner and/or Operator operates without developing, implementing, and/or revising an M&RP that provides for sampling and analysis in accordance with Section B(5). Coastkeeper will include additional violations as information and data become available.

### **2. Failure to Sample Storm Water Discharges As Required by the Permit**

The Storm Water Permit requires permittees to collect storm water discharge samples from: 1) all discharge locations, 2) during the first hour of discharge, 3) from the first storm event of the Wet Season and 4) from at least one other storm event in the Wet Season. Section B(5)(a). The two samples are required so long as the discharges occur during scheduled facility operating hours and are preceded by at least three working days without storm water discharges. Storm Water Permit, Section B(5)(b). Sampling of stored or contained storm water is required when the storm water is released or discharged. Section B(5)(a). The Santa Maria Owner and/or Operator has consistently failed to collect the required storm water samples in violation of the Storm Water Permit's M&RP requirements. For example, the Santa Maria Owner and/or Operator does not consistently collect storm water samples from each discharge location, from the first rain event of the season, and/or from two storm events each Wet Season. Therefore, the Santa Maria Landfill Owner and/or Operator has been in continuous violation of

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<sup>11</sup> The Storm Water Permit defines the Wet Season from October 1-May 31.

the Storm Water Permit's M&RP requirements for failing to sample as required by the Storm Water Permit.

Coastkeeper puts the Santa Maria Owner and/or Operator on notice that it violates Section B(5) of the Storm Water Permit every day it operates without developing, implementing, and/or revising an M&RP that ensures the collection of storm water discharge samples as required by the Storm Water Permit. These violations are ongoing and will continue every day the Santa Maria Owner and/or Operator operates without developing, implementing, and/or revising an M&RP that provides for sampling and analysis in accordance with Section B(5). Coastkeeper will include additional violations as information and data become available.

### **3. Failure to Conduct Visual Observations As Required by the Permit**

Section B(4) of the Storm Water Permit requires dischargers to conduct visual observations of storm water discharges at all discharge locations within the first hour of discharge from one storm event per month during the Wet Season. The Permit further requires dischargers to document the presence of any floating and suspended material, O&G, discolorations, turbidity, odor and the source of any pollutants. Section B(4)(c). Dischargers must document and maintain records of observations, observation dates, locations observed, and responses taken to reduce or prevent pollutants in storm water discharges. Storm Water Permit, Section B(4)(c).

Based on information available to Coastkeeper, the Santa Maria Owner and/or Operator consistently fails to properly conduct and/or document the required visual observations of storm water discharges within the first hour of discharge, from all discharge locations, and/or from one qualifying storm event per month. The Santa Maria Landfill Owner and/or Operator also failed to properly document and maintain records of observations and/or responses taken to reduce or prevent pollutants in storm water discharges.

Coastkeeper puts the Santa Maria Landfill Owner and/or Operator on notice that it violates Section B(4) of the Storm Water Permit every day it operates the Facility without developing, implementing, and/or revising an M&RP that provides for visual observations of storm water discharges as required by the Storm Water Permit. Sections B(4)(a). These violations are ongoing and will continue every day the Santa Maria Landfill Owner and/or Operator operates without developing, implementing, and/or revising an M&RP that ensures visual observations are conducted in accordance with Section B(4). Coastkeeper will include additional violations as information and data become available.

As set forth above, the Santa Maria Landfill Owner and/or Operator violates Section B of the Storm Water Permit every day the Santa Maria Landfill Owner and/or Operator operates with an inadequately developed, implemented, and/or revised M&RP. The Santa Maria Landfill Owner and/or Operator has been in daily and continuous violation of the Storm Water Permit's reporting requirements every day since at least June 15, 2010. These violations are ongoing and will continue every day the Santa Maria Landfill Owner and/or Operator operates without



reporting in accordance with Section B. The Santa Maria Landfill Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since June 15, 2010.

**E. Failure to Comply with the Storm Water Permit's Reporting Requirements**

Section B(14) of the Storm Water Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. The Storm Water Permit, in relevant part, requires that the Annual Report include the following: 1) a summary of visual observations and sampling results; 2) an evaluation of the visual observation and sampling and analysis results and the laboratory reports; 3) the Annual Comprehensive Site Compliance Evaluation Report; and 4) an explanation of why the facility did not implement any activities required by the Permit. Section B(14). As part of the Annual Comprehensive Site Compliance Evaluation, which must be included in the Annual Report, the facility operator shall review and evaluate all of the BMPs to determine whether they are adequate or whether SWPPP revisions are needed. *See* Storm Water Permit Section A(9). The Annual Report shall be signed and certified by a duly authorized representative, under penalty of law that the information submitted is true, accurate, and complete to the best of their knowledge. *See* Storm Water Permit, Sections B(14), C(9), and C(10).

Since at least the 2009/2010 Wet Season the Santa Maria Landfill Owner and/or Operator has failed to submit Annual Reports that comply with the Storm Water Permit reporting requirements. For example, the Santa Maria Landfill Owner and/or Operator certifies in the Annual Reports that: (1) a complete Annual Comprehensive Site Compliance Evaluation was done pursuant to Section A(9) of the Storm Water Permit; (2) the SWPPP's BMPs address existing potential pollutant sources; and (3) the SWPPP complies with the Storm Water Permit, or will otherwise be revised to achieve compliance. However, information available to Coastkeeper, including a review of the Regional Board's files and the Facility storm water sampling data, indicates that the Santa Maria Landfill Owner and/or Operator certifications are erroneous. The Santa Maria Landfill Owner and/or Operator has not developed and/or implemented required BMPs at the Facility, or made any revisions to the Facility SWPPP or M&RP. These failures result in the ongoing discharge of storm water containing pollutant levels in violation of the Storm Water Permit limitations.

The Santa Maria Landfill Owner and/or Operator also failed and continues to fail to provide the explanations in the Annual Reports for non-compliance with the Storm Water Permit's terms. For instance, the Santa Maria Landfill Owner and/or Operator fails to explain why it did not conduct sampling and visual observations as required by the Permit.

Coastkeeper puts the Santa Maria Landfill Owner and/or Operator on notice that it violates Section B(14) of the Storm Water Permit every day it fails to comply with the Storm Water Permit reporting requirements. These violations are ongoing and will continue every day the Santa Maria Landfill Owner and/or Operator operates without reporting in accordance with Section B(14). The Santa Maria Landfill Owner and/or Operator has been in daily and continuous violation of the Storm Water Permit's reporting requirements every day since at least

June 15, 2010. These violations are ongoing. The Santa Maria Landfill Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since June 15, 2010.

**F. Relief and Penalties Sought for Violations of the Clean Water Act**

Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for all violations occurring during the period commencing five years prior to the date of a notice of intent to file suit letter. These provisions of law authorize civil penalties of up to \$37,500 per day per violation for all Clean Water Act violations. In addition to civil penalties, Coastkeeper will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), declaratory relief, and such other relief as permitted by law. Lastly, pursuant to Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), Coastkeeper will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

**III. Conclusion**

Upon expiration of the 60-day notice period, Coastkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for the Santa Maria Landfill Owner's and/or Operator's violations of the Storm Water Permit. During the 60-day notice period, however, Coastkeeper is willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions please contact Coastkeeper. Please direct all communications to Coastkeeper's legal counsel:

Daniel Cooper  
Daniel@Lawyersforcleanwater.com  
Lawyers for Clean Water, Inc.  
1004 O'Reilly Avenue, Suite A  
San Francisco, CA 94129  
415-440-6520

Sincerely yours,



Gordon Hensley  
Executive Director  
Environment in the Public Interest and  
San Luis Obispo Coastkeeper

**SERVICE LIST**

Gina McCarthy , Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Jared Blumenfeld, Regional Administrator  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Thomas Howard, Executive Director  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, California 95812

Dr. Jean-Pierre Wolf, Chair  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, California 93401-7906



**EXHIBIT A**



# Santa Barbara County - Flood Control District

130 East Victoria Street, Santa Barbara, CA 93101

805.568.3440 - [www.countyofsb.org/pwd](http://www.countyofsb.org/pwd)

## Official Daily Rainfall Record

Station Number: 380

Report Produced: 5/15/2015

Station Name: Santa Maria City

Record Checked Through: 8/29/2014

Nearest Landmark: City Public Works Building

Latitude (dms): 345707 Longitude (dms): 1202644 Elevation (ft): 203

Current Observer: SBCFCD

Gauge Type: Alert, Data Logger w/TB

Daily Rainfall amounts are recorded as of 8am for the previous 24 hours (PST). Days with no recorded rainfall have been omitted from this report. Rainfall units are expressed in inches. E = Data estimated from nearby gauge, S = Snowfall or snowmelt has affected daily rainfall total, P = Data has been prorated using nearby gauge data, PR = Preliminary data subject to verification, MT = Monthly total only.

### Water Year: 2014-15

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1		0.01 <sup>PR</sup>	1.35 <sup>PR</sup>				0.05 <sup>PR</sup>					
2			0.08 <sup>PR</sup>	0.38 <sup>PR</sup>			0.08 <sup>PR</sup>					
3				0.36 <sup>PR</sup>			0.07 <sup>PR</sup>					
4												
5				0.01 <sup>PR</sup>								
6				0.01 <sup>PR</sup>								
7						0.14 <sup>PR</sup>						
8						0.28 <sup>PR</sup>		0.43 <sup>PR</sup>	0.04 <sup>PR</sup>			
9						0.14 <sup>PR</sup>		0.01 <sup>PR</sup>				
10			0.01 <sup>PR</sup>									
11	0.01				0.15 <sup>PR</sup>							
12		0.01 <sup>PR</sup>		3.16 <sup>PR</sup>								
13				0.01 <sup>PR</sup>	0.01 <sup>PR</sup>							
14			0.01 <sup>PR</sup>									
15									0.28 <sup>PR</sup>			
16				0.06 <sup>PR</sup>								
17				0.28 <sup>PR</sup>								
18				0.01 <sup>PR</sup>								
19												
21			0.03 <sup>PR</sup>									
23						0.11 <sup>PR</sup>						
24												
26								0.21 <sup>PR</sup>				
27					0.03 <sup>PR</sup>							
28						0.01 <sup>PR</sup>						
29					0.01 <sup>PR</sup>							
	0.01	0.02	1.48	4.28	0.20	0.68	0.20	0.65	0.32	0.00	0.00	0.00

WY Total 7.84



## Santa Barbara County - Flood Control District

130 East Victoria Street, Santa Barbara, CA 93101

805.568.3440 - [www.countyofsb.org/pwd](http://www.countyofsb.org/pwd)

### Official Daily Rainfall Record

Station Number: 380  
Station Name: Santa Maria City  
Nearest Landmark: City Public Works Building

Report Produced: 5/15/2015  
Record Checked Through: 8/29/2014

Latitude (dms): 345707 Longitude (dms): 1202644 Elevation (ft): 203  
Current Observer: SBCFCD Gauge Type: Alert, Data Logger w/TB

Daily Rainfall amounts are recorded as of 8am for the previous 24 hours (PST). Days with no recorded rainfall have been omitted from this report. Rainfall units are expressed in inches. E = Data estimated from nearby gauge, S = Snowfall or snowmelt has affected daily rainfall total, P = Data has been prorated using nearby gauge data, PR = Preliminary data subject to verification, MT = Monthly total only.

#### Water Year: 2013-14

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1							0.62	0.32				
2							0.31	0.40				
3						0.20	0.08					
5							0.01					
7				0.15		0.58						
9						0.11						
10		0.08				0.04						
14						0.02						
15			0.01									
16	0.01											
19				0.02								
20			0.02	0.01								
21			0.15						0.01			
22	0.01											
23			0.01									
26							0.17	0.20				
27						0.21	0.12					
28		0.09				0.70	0.01					
29		0.13										
30			0.04		0.02		0.10					
31							0.01					
	0.02	0.30	0.23	0.18	0.02	1.86	1.43	0.92	0.01	0.00	0.00	0.00

WY Total 4.97





# Santa Barbara County - Flood Control District

130 East Victoria Street, Santa Barbara, CA 93101  
805.568.3440 - [www.countyofsb.org/pwd](http://www.countyofsb.org/pwd)

## Official Daily Rainfall Record

Station Number: 380

Report Produced: 5/15/2015

Station Name: Santa Maria City

Record Checked Through: 8/29/2014

Nearest Landmark: City Public Works Building

Latitude (dms): 345707 Longitude (dms): 1202644 Elevation (ft): 203

Current Observer: SBCFCD Gauge Type: Alert, Data Logger w/TB

Daily Rainfall amounts are recorded as of 8am for the previous 24 hours (PST). Days with no recorded rainfall have been omitted from this report. Rainfall units are expressed in inches. E = Data estimated from nearby gauge, S = Snowfall or snowmelt has affected daily rainfall total, P = Data has been prorated using nearby gauge data, PR = Preliminary data subject to verification, MT = Monthly total only.

### Water Year: 2012-13

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1				0.32				0.02				
2				0.12				0.07				
3				0.50						0.01		
4			0.01					0.02				
5						0.01						
6		0.01			0.26		0.03		0.03			
7				0.01	0.26		0.15		0.01			
8						0.24	0.58	0.04				
9						0.16						
10		0.01	0.14		0.01							
11		0.01										
12							0.01				0.01	
13					0.19		0.01					
14									0.01			
16					0.08		0.01					
17	0.01		0.13	0.01								
18			0.21	0.20								
19			0.02	0.01			0.01					
20						0.24				0.01		
21		0.01										
22				0.13								
23		0.12	0.01	0.50								
24				0.35	0.24							
25					0.08							
26				0.34	0.01							
27				0.02								
29			0.03	0.40								
30			0.04									
31							0.04					
	0.01	0.16	0.59	3.18	0.86	0.65	0.84	0.15	0.05	0.02	0.01	0.00

WY Total 6.52



# Santa Barbara County - Flood Control District

130 East Victoria Street, Santa Barbara, CA 93101  
805.568.3440 - [www.countyofsb.org/pwd](http://www.countyofsb.org/pwd)

## Official Daily Rainfall Record

Station Number: 380  
Station Name: Santa Maria City  
Nearest Landmark: City Public Works Building  
Latitude (dms): 345707 Longitude (dms): 1202644 Elevation (ft): 203  
Current Observer: SBCFCD

Report Produced: 5/15/2015  
Record Checked Through: 8/29/2014

Gauge Type: Alert, Data Logger w/TB

Daily Rainfall amounts are recorded as of 8am for the previous 24 hours (PST). Days with no recorded rainfall have been omitted from this report. Rainfall units are expressed in inches. E = Data estimated from nearby gauge, S = Snowfall or snowmelt has affected daily rainfall total, P = Data has been prorated using nearby gauge data, PR = Preliminary data subject to verification, MT = Monthly total only.

### Water Year: 2011-12

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1							0.03	0.39				
2											0.01	
4		0.09	0.03		0.01							
5		0.59	0.13									
6		0.04	0.12									
8					0.01							
10	0.04											
11	0.03					0.03	0.02	0.89				
12			0.51	0.06				0.01				
13			0.01	0.07		0.06		0.86				
14						0.14		0.24				
15			0.01			0.07						
16				0.02		0.01						
17							0.96					
18							0.71					
19		0.01	0.01				0.04					
20			0.50			0.01						
21	0.01		0.08		0.77							
23					0.59			0.04				
24	0.01				0.28							
25							0.38	0.04				
26							0.21	0.23				
27								0.01				
28							0.05					
29							0.01					
31		0.01										
	0.09	0.74	1.40	0.15	1.66	0.32	2.41	2.71	0.00	0.00	0.01	0.00

WY Total 9.49



# Santa Barbara County - Flood Control District

130 East Victoria Street, Santa Barbara, CA 93101  
805.568.3440 - [www.countyofsb.org/pwd](http://www.countyofsb.org/pwd)

## Official Daily Rainfall Record

Station Number: 380  
Station Name: Santa Maria City  
Nearest Landmark: City Public Works Building  
Latitude (dms): 345707 Longitude (dms): 1202644 Elevation (ft): 203  
Current Observer: SBCFCD

Report Produced: 5/15/2015  
Record Checked Through: 8/29/2014

Gauge Type: Alert, Data Logger w/TB

Daily Rainfall amounts are recorded as of 8am for the previous 24 hours (PST). Days with no recorded rainfall have been omitted from this report. Rainfall units are expressed in inches. E = Data estimated from nearby gauge, S = Snowfall or snowmelt has affected daily rainfall total, P = Data has been prorated using nearby gauge data, PR = Preliminary data subject to verification, MT = Monthly total only.

### Water Year: 2010-11

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
2		0.01			0.41		0.04					
3		0.08			0.24		0.05					
4				0.03	0.01							
5	0.01			0.01						0.09		
6		0.67		0.40						0.58		
7		0.15	0.06	0.01			0.13					
8			0.42	0.01				0.04				
9									0.01			
10		0.01		0.01								
12				0.01								
14		0.01					0.01					
15	0.01			0.06		0.01			0.02			
16						0.24	0.02					
17		0.01		0.17		0.04			0.09			0.01
18		0.05	0.01	0.58					0.14			
19		0.22		3.67		1.43	0.17					
20		0.07	0.25	2.02		0.60	3.25				0.01	
21	0.01	0.01	0.42	0.72			0.36	0.13				
22	0.01		0.17	0.75			0.01					
23		0.13		0.01			0.03					
24			0.12				0.49	0.02				
25		0.50				0.05	0.36					
26		0.01		0.67		0.50	0.01					
27						0.07	0.40					
28			0.03									
29				0.98					0.04			
30		0.64		0.01	0.08					0.01		
31		0.01			0.06							
	0.04	2.58	1.48	10.12	0.80	2.94	5.33	0.19	0.30	0.68	0.01	0.01

WY Total 24.48



**EXHIBIT B**

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
2010/2011 Wet Season								
2/16/11 8:07	Total Suspended Solids (TSS)	SW Discharge Point #1	200	mg/L	100	2	see Basin Plan, §II.A.2.a	
2/16/11 8:07	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #1	100	umhos/cm	200	0	see Basin Plan, §II.A.2.a	
2/16/11 8:07	pH	SW Discharge Point #1	7.3	SU	6.0-9.0	0	7.0-8.5	
2/16/11 8:07	Iron	SW Discharge Point #1	1.3	mg/L	1	1.3	see Basin Plan, §II.A.2.a	
2/16/11 8:07	Turbidity	SW Discharge Point #1	230	NTU	none	0	see Basin Plan, §II.A.2.a	
2/16/11 8:07	Nitrate as N	SW Discharge Point #1	1	mg/L	0.68	1.47	see Basin Plan, §II.A.2.a	
2/16/11 8:07	Total Organic Carbon (TOC)	SW Discharge Point #1	8.7	mg/L	100	0	see Basin Plan, §II.A.2.a	
2/16/11 7:58	Total Suspended Solids (TSS)	SW Discharge Point #2	71	mg/L	100	0	see Basin Plan, §II.A.2.a	
2/16/11 7:58	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #2	350	umhos/cm	200	1.75	see Basin Plan, §II.A.2.a	
2/16/11 7:58	pH	SW Discharge Point #2	7.5	SU	6.0-9.0	0	7.0-8.5	
2/16/11 7:58	Iron	SW Discharge Point #2	1.1	mg/L	1	1.1	see Basin Plan, §II.A.2.a	
2/16/11 7:58	Turbidity	SW Discharge Point #2	94	NTU	none	0	see Basin Plan, §II.A.2.a	
2/16/11 7:58	Nitrate as N	SW Discharge Point #2	ND	mg/L	0.68	0	none	
2/16/11 7:58	Total Organic Carbon (TOC)	SW Discharge Point #2	8.6	mg/L	100	0	none	
2/16/11 7:50	Total Suspended Solids (TSS)	SW Discharge Point #3	75	mg/L	100	0	none	
2/16/11 7:50	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #3	220	umhos/cm	200	1.1	none	
2/16/11 7:50	pH	SW Discharge Point #3	7.6	SU	6.0-9.0	0	7.0-8.5	
2/16/11 7:50	Iron	SW Discharge Point #3	1.6	mg/L	1	1.6	none	
2/16/11 7:50	Turbidity	SW Discharge Point #3	140	NTU	none	0	see Basin Plan, §II.A.2.a	
2/16/11 7:50	Nitrate as N	SW Discharge Point #3	1.5	mg/L	0.68	2.21	none	

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
2/16/11 7:50	Total Organic Carbon (TOC)	SW Discharge Point #3	15	mg/L	100	0	none	
2/16/11 7:15	Total Suspended Solids (TSS)	SW Discharge Point #4	5900	mg/L	100	59	none	
2/16/11 7:15	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #4	870	umhos/cm	200	4.35	none	
2/16/11 7:15	pH	SW Discharge Point #4	7.9	SU	6.0-9.0	0	7.0-8.5	
2/16/11 7:15	Iron	SW Discharge Point #4	0.024	mg/L	1	0	none	
2/16/11 7:15	Turbidity	SW Discharge Point #4	5600	NTU	none	0	see Basin Plan, §II.A.2.a	
2/16/11 7:15	Nitrate as N	SW Discharge Point #4	0.83	mg/L	0.68	1.22	none	
2/16/11 7:15	Total Organic Carbon (TOC)	SW Discharge Point #4	170	mg/L	100	1.7	none	
2/25/11 15:00	Total Suspended Solids (TSS)	SW Discharge Point #1	25	mg/L	100	0	none	
2/25/11 15:00	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #1	320	umhos/cm	200	1.6	none	
2/25/11 15:00	pH	SW Discharge Point #1	7.2	SU	6.0-9.0	0	7.0-8.5	
2/25/11 15:00	Iron	SW Discharge Point #1	0.63	mg/L	1	0	none	
2/25/11 15:00	Turbidity	SW Discharge Point #1	17	NTU	none	0	see Basin Plan, §II.A.2.a	
2/25/11 15:00	Nitrate as N	SW Discharge Point #1	0.9	mg/L	0.68	1.32	none	
2/25/11 15:00	Total Organic Carbon (TOC)	SW Discharge Point #1	26	mg/L	100	0	none	
2/25/11 14:30	Total Suspended Solids (TSS)	SW Discharge Point #2	29	mg/L	100	0	none	
2/25/11 14:30	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #2	1500	umhos/cm	200	7.5	none	
2/25/11 14:30	pH	SW Discharge Point #2	8.6	SU	6.0-9.0	0	7.0-8.5	0.1
2/25/11 14:30	Iron	SW Discharge Point #2	0.52	mg/L	1	0	none	
2/25/11 14:30	Turbidity	SW Discharge Point #2	3.5	NTU	none	0	see Basin Plan, §II.A.2.a	
2/25/11 14:30	Nitrate as N	SW Discharge Point #2	ND	mg/L	0.68	0	none	
2/25/11 14:30	Total Organic Carbon (TOC)	SW Discharge Point #2	17	mg/L	100	0	none	



Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
2/25/11 15:00	Total Suspended Solids (TSS)	SW Discharge Point #3	120	mg/L	100	1.2	none	
2/25/11 15:00	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #3	230	umhos/cm	200	1.15	none	
2/25/11 15:00	pH	SW Discharge Point #3	8	SU	6.0-9.0	0	7.0-8.5	
2/25/11 15:00	Iron	SW Discharge Point #3	7.2	mg/L	1	7.2	none	
2/25/11 15:00	Turbidity	SW Discharge Point #3	53	NTU	none	0	see Basin Plan, §II.A.2.a	
2/25/11 15:00	Nitrate as N	SW Discharge Point #3	1.7	mg/L	0.68	2.5	none	
2/25/11 15:00	Total Organic Carbon (TOC)	SW Discharge Point #3	9.6	mg/L	100	0	none	
2/25/11 14:10	Total Suspended Solids (TSS)	SW Discharge Point #4	30	mg/L	100	0	none	
2/25/11 14:10	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #4	1400	umhos/cm	200	7	none	
2/25/11 14:10	pH	SW Discharge Point #4	8	SU	6.0-9.0	0	7.0-8.5	
2/25/11 14:10	Iron	SW Discharge Point #4	0.51	mg/L	1	0	none	
2/25/11 14:10	Turbidity	SW Discharge Point #4	8.4	NTU	none	0	see Basin Plan, §II.A.2.a	
2/25/11 14:10	Nitrate as N	SW Discharge Point #4	14	mg/L	0.68	20.59	none	
2/25/11 14:10	Total Organic Carbon (TOC)	SW Discharge Point #4	54	mg/L	100	0	none	
2011/2012 Wet Season								
2/15/12 8:30	Total Suspended Solids (TSS)	SW Discharge Point #1	ND	mg/L	100	0	none	
2/15/12 8:30	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #1	140	umhos/cm	200	0	none	
2/15/12 8:30	pH	SW Discharge Point #1	7.6	SU	6.0-9.0	0	7.0-8.5	
2/15/12 8:30	Iron	SW Discharge Point #1	2.3	mg/L	1	2.3	none	
2/15/12 8:30	Turbidity	SW Discharge Point #1	62	NTU	none	0	see Basin Plan, §II.A.2.a	
2/15/12 8:30	Nitrate as N	SW Discharge Point #1	0.91	mg/L	0.68	1.34	none	
2/15/12 8:30	Total Organic Carbon (TOC)	SW Discharge Point #1	17	mg/L	100	0	none	

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
4/11/12 8:40	Total Suspended Solids (TSS)	SW Discharge Point #1	ND	mg/L	100	0	none	
4/11/12 8:40	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #1	140	umhos/cm	200	0	none	
4/11/12 8:40	pH	SW Discharge Point #1	7.6	SU	6.0-9.0	0	7.0-8.5	
4/11/12 8:40	Iron	SW Discharge Point #1	0.31	mg/L	1	0	none	
4/11/12 8:40	Turbidity	SW Discharge Point #1	DNS	NTU			none	
4/11/12 8:40	Nitrate as N	SW Discharge Point #1	DNS	mg/L	0.68		none	
4/11/12 8:40	Total Organic Carbon (TOC)	SW Discharge Point #1	6.5	mg/L	100	0	none	
4/11/12 8:50	Total Suspended Solids (TSS)	SW Discharge Point #2	26	mg/L	100	0	none	
4/11/12 8:50	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #2	410	umhos/cm	200	2.05	none	
4/11/12 8:50	pH	SW Discharge Point #2	7.7	SU	6.0-9.0	0	7.0-8.5	
4/11/12 8:50	Iron	SW Discharge Point #2	0.77	mg/L	1	0	none	
4/11/12 8:50	Turbidity	SW Discharge Point #2	DNS	NTU			none	
4/11/12 8:50	Nitrate as N	SW Discharge Point #2	DNS	mg/L	0.68		none	
4/11/12 8:50	Total Organic Carbon (TOC)	SW Discharge Point #2	19	mg/L	100	0	none	
4/11/12 8:50	Total Suspended Solids (TSS)	SW Discharge Point #3	23	mg/L	100	0	none	
4/11/12 8:50	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #3	180	umhos/cm	200	0	none	
4/11/12 8:50	pH	SW Discharge Point #3	8.1	SU	6.0-9.0	0	7.0-8.5	
4/11/12 8:50	Iron	SW Discharge Point #3	1.6	mg/L	1	1.6	none	
4/11/12 8:50	Turbidity	SW Discharge Point #3	DNS	NTU			none	
4/11/12 8:50	Nitrate as N	SW Discharge Point #3	DNS	mg/L	0.68		none	
4/11/12 8:50	Total Organic Carbon (TOC)	SW Discharge Point #3	8.5	mg/L	100	0	none	

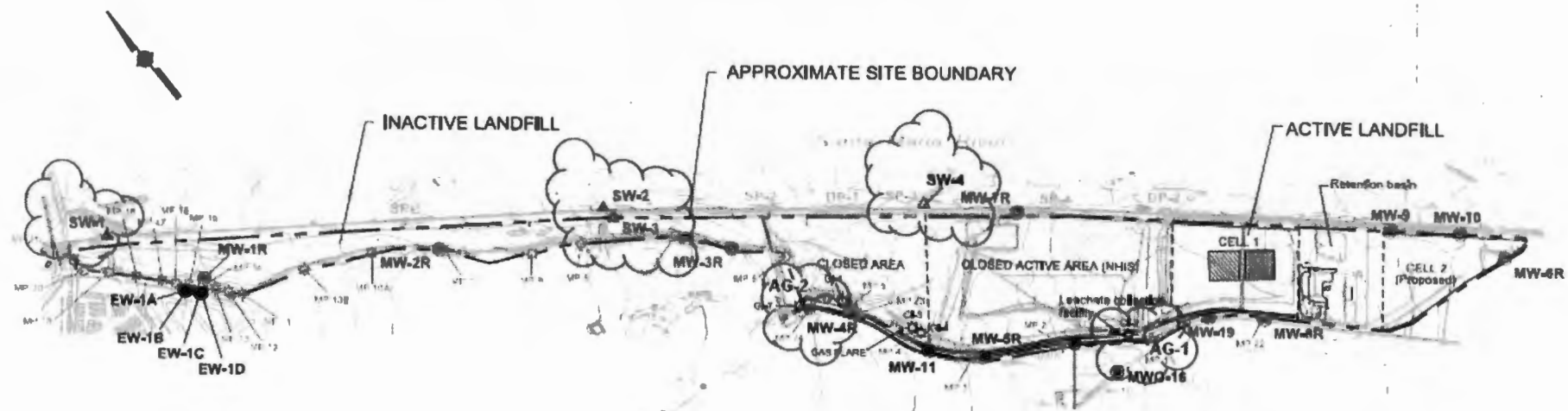
Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
2012/2013 Wet Season								
2/8/13 11:10	Total Suspended Solids (TSS)	SW Discharge Point #1	ND	mg/L	100		none	
2/8/13 11:10	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #1	320	umhos/cm	200	1.6	none	
2/8/13 11:10	pH	SW Discharge Point #1	8	SU	6.0-9.0	0	7.0-8.5	
2/8/13 11:10	Iron	SW Discharge Point #1	DNS	mg/L	1		none	
2/8/13 11:10	Turbidity	SW Discharge Point #1	28	NTU	none	0	see Basin Plan, §II.A.2.a	
2/8/13 11:10	Nitrate as N	SW Discharge Point #1	DNS	mg/L	0.68		none	
2/8/13 11:10	Total Organic Carbon (TOC)	SW Discharge Point #1	6.3	mg/L	100	0	none	
2/8/13 11:24	Total Suspended Solids (TSS)	SW Discharge Point #2	16	mg/L	100	0	none	
2/8/13 11:24	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #2	580	umhos/cm	200	2.9	none	
2/8/13 11:24	pH	SW Discharge Point #2	8.4	SU	6.0-9.0	0	7.0-8.5	
2/8/13 11:24	Iron	SW Discharge Point #2	DNS	mg/L	1		none	
2/8/13 11:24	Turbidity	SW Discharge Point #2	5.8	NTU	none	0	see Basin Plan, §II.A.2.a	
2/8/13 11:24	Nitrate as N	SW Discharge Point #2	DNS	mg/L	0.68		none	
2/8/13 11:24	Total Organic Carbon (TOC)	SW Discharge Point #2	4.5	mg/L	100	0	none	
2013/2014 Wet Season								
2/6/14 2:30	Total Suspended Solids (TSS)	SW Discharge Point #1	110	mg/L	100	1.1	none	
2/6/14 2:30	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #1	68	umhos/cm	200	0	none	
2/6/14 2:30	pH	SW Discharge Point #1	7.9	SU	6.0-9.0	0	7.0-8.5	
2/6/14 2:30	Iron	SW Discharge Point #1	5.4	mg/L	1	5.4	none	
2/6/14 2:30	Turbidity	SW Discharge Point #1	DNS	NTU			none	
2/6/14 2:30	Nitrate as N	SW Discharge Point #1	DNS	mg/L	0.68		none	
2/6/14 2:30	Total Organic Carbon (TOC)	SW Discharge Point #1	5.1	mg/L	100	0	none	
2/6/14 2:00	Total Suspended Solids (TSS)	SW Discharge Point #2	78	mg/L	100	0	none	



Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
2/6/14 2:00	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #2	210	umhos/cm	200	1.05	none	
2/6/14 2:00	pH	SW Discharge Point #2	9.4	SU	6.0-9.0	0.4	7.0-8.5	0.9
2/6/14 2:00	Iron	SW Discharge Point #2	10	mg/L	1	10	none	
2/6/14 2:00	Turbidity	SW Discharge Point #2	DNS	NTU			none	
2/6/14 2:00	Nitrate as N	SW Discharge Point #2	DNS	mg/L	0.68		none	
2/6/14 2:00	Total Organic Carbon (TOC)	SW Discharge Point #2	8.5	mg/L	100	0	none	
2/6/14 2:00	Total Suspended Solids (TSS)	SW Discharge Point #3	46	mg/L	100	0	none	
2/6/14 2:00	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #3	77	umhos/cm	200	0	none	
2/6/14 2:00	pH	SW Discharge Point #3	8	SU	6.0-9.0	0	7.0-8.5	
2/6/14 2:00	Iron	SW Discharge Point #3	2.7	mg/L	1	2.7	none	
2/6/14 2:00	Turbidity	SW Discharge Point #3	DNS	NTU			none	
2/6/14 2:00	Nitrate as N	SW Discharge Point #3	DNS	mg/L	0.68		none	
2/6/14 2:00	Total Organic Carbon (TOC)	SW Discharge Point #3	7.5	mg/L	100	0	none	
2/6/14 1:50	Total Suspended Solids (TSS)	SW Discharge Point #4	200	mg/L	100	2	none	
2/6/14 1:50	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #4	430	umhos/cm	200	2.15	none	
2/6/14 1:50	pH	SW Discharge Point #4	8.5	SU	6.0-9.0	0	7.0-8.5	
2/6/14 1:50	Iron	SW Discharge Point #4	16	mg/L	1	16	none	
2/6/14 1:50	Turbidity	SW Discharge Point #4	DNS	NTU	none		see Basin Plan, §II.A.2.a	
2/6/14 1:50	Nitrate as N	SW Discharge Point #4	DNS	mg/L	0.68		none	
2/6/14 1:50	Total Organic Carbon (TOC)	SW Discharge Point #4	22	mg/L	100	0	none	
4/7/15 1:55	Total Suspended Solids (TSS)	SLOC Sample	676	mg/L	100	6.76	none	
4/7/15 1:55	Escherichia coli (E. coli)	SLOC Sample	5000	MPN/100 ml	none	0	576	8.68
4/7/15 1:55	Fecal Coliform	SLOC Sample	240	MPN/100 ml	none	0	400	0.6

ND= Not Present above Detection Level Used      DNS=Did Not Analyse Sample for Pollutant

**EXHIBIT C**



#### EXPLANATION

- Corrective Action Monitoring groundwater well
- Detection Monitoring groundwater well
- Piezometer
- ▲ Surface water monitoring location
- △ Outfall location
- ▼ Private agricultural well (PW-)
- ⊕ Vadose zone/gas monitoring probe (GI-)
- ⊙ Monthly methane gas inspection location (MP-)
- ▨ Approximate area July 1 to September 30, 2008
- ▩ Approximate area October 1, 2008 to December 31, 2008

### Storm Water Sample Locations